

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Civil Action: 12-6744

CONESTOGA WOOD SPECIALITIES CORPORATION, a PA Corporation;  
NORMAN HAHN;  
ELIZABETH HAHN;  
NORMAN LEMAR HAHN;  
ANTHONY H. HAHN; and  
KEVIN HAHN

Plaintiffs,

v.

SYLVIA M. BURWELL, in her official capacity as  
Secretary of the United States Department of Health and Human Services;  
THOMAS E. PEREZ, in his official capacity as  
Secretary of the United States Department of Labor;  
JACOB J. LEW, in his official capacity as  
Secretary of the United States Department of the Treasury;  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
UNITED STATES DEPARTMENT OF LABOR; and  
UNITED STATES DEPARTMENT OF THE TREASURY;

Defendants.

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**AMENDED MOTION FOR PRELIMINARY INJUNCTION**

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Plaintiffs, by and through their undersigned counsel, respectfully move this Court as follows:

1. Plaintiffs filed a Complaint on December 4, 2012 in the U.S. District Court, Eastern District of Pennsylvania. The Court denied Plaintiff's Motion for Preliminary Injunction on January 11, 2013. 917 F. Supp. 2d. 394.

2. Subsequently, Plaintiffs appealed to the United States Court of Appeals for the Third Circuit. On July 26, 2013, the Third Circuit affirmed the District Court's decision.

3. Plaintiffs petitioned the Supreme Court of the United States for a Writ of Certiorari, which was granted on November 26, 2013. 134 S.Ct. 678.

4. The Supreme Court heard oral argument on March 25, 2014, and then on June 30, 2014 reversed the Third Circuit's holding, determining that Conestoga Wood Specialties is indeed entitled to an exemption from the Mandate of Health and Human Services pursuant to RFRA and remanded the case to the Third Circuit for further proceedings consistent with that opinion. See Opinion Number 13-356; 573 U.S. \_\_\_\_ (2014).

5. An injunction is needed to protect Plaintiffs and their health insurance carrier from the Mandate and its attendant penalties, so that the burden on Plaintiffs' religious beliefs can be lifted and Plaintiffs' health insurance plan can once again omit items that violate Plaintiffs' sincerely held religious belief that the prescribed items are potentially abortifacient including education and counseling for the same. Currently, Plaintiffs' health insurance will not take any action to omit these items without further action from this Court.

6. Pursuant to the Supreme Court decision, Plaintiffs' have established a likelihood of success on the merits of their claims, other factors for injunctive relief favor Plaintiffs, and no cause exists to prevent this Court from granting the requested Preliminary Injunction.

7. This Court issued the same injunctive relief to Plaintiffs in the form of a Temporary Restraining Order on December 28, 2012 [doc. # 35]. A parallel proposed form of Order for the present Preliminary Injunction request accompanies this Motion.

8. Counsel for the government, Michelle Bennett, has indicated to Charles Proctor, Counsel for Plaintiffs, that the government will file an Answer to this Motion.

9. Plaintiffs further move that a bond of zero dollars (\$0) be declared due to the public interest of this matter and the lack of financial harm to the government from the granting of a Preliminary Injunction.

Respectfully submitted this 28<sup>th</sup> day of July, 2014.

***Attorneys for Plaintiffs:***

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